IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 25TH SEPTEMBER 2007 / 3RD ASWINA 1929

Con.Case(C).No. 1353 of 2007(S)

AGAINST THE JUDGEMENT/ORDER IN OP.7630/2003 Dated 02/04/2003

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PETITIONER/3RD PARTY :

AJITHAKUMARI C.P,W/O.PURUSHOTHAMAN
AGED 42,VETTATHUTHARAYIL HOUSE,PALLIAMKARA,
KALAMASSERY,ERNAKULAM DISTRICT.

BY ADV. SRI.JESWIN P.VARGHESE

RESPONDENTS/PETITIONER & RESPONDENT IN OP:

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1. ABDUL SALAM,AGE (NOT KNOWN TO THE PETITIONER) S/O.SULAIMAN,THOPPIL HOUSE, PALLILAMKARA,KALAMASSERY,ERNAKULAM DISTRICT.

2. SUDHAKARAN,AGE (NOT KNOWN TO THE PETITIONER),FATHERS NAME (NOT KNOWN TO THE PETITIONER),THE SECRETARY,KALAMASSERY MUNCIPALITY ERNAKULAM DISTRICT.

BY ADV. SRI.M.K.ABOOBACKER, SC.

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 25/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

C.O.C No. 1353 OF 2007

Dated this the 25th day of September, 2007

JUDGMENT

This proceeding for contempt is initiated by a third party to Annexure A1 judgment. Under Annexure A1 judgment, this Court only ordered that if the petitioner in that case, one Abdul Salam files a representation against Ext.P5 demolition order, the Municipality will consider that representation and pass appropriate orders as expeditiously as possible. Till such time as orders were so passed on the prospective representation, implementation of Ext.P5 therein which is Annexure A2 demolition order was directed to be kept in abeyance.

2. Sri.M.K.Aboobacker, Standing Counsel for the Municipality takes notice. Mr.Aboobacker submits that Annexure A1 order was passed by this Court way back in 2003 and it is to be ascertained as to why Annexure A2 (Ext.P5) in Annexure A1 judgment has not been implemented so far. The Standing Counsel further submitted that if the petitioner submits a proper representation voicing his grievances and seeking immediate implementation of Annexure A2 order, the Municipality will be inclined to consider the same and pass appropriate orders taking into account the finality attained by Annexure A1 judgment and in the light of the order, if any, passed on the representation, if any ,

submitted by Sri.Abdul Salam.

Under these circumstances, I dispose of the Contempt of Court Case issuing the following directions:

The petitioner will submit a representation voicing all his grievances before the Municipality. If the petitioner submits such a representation before the Municipality within three weeks from today, the Municipality will take up the representation, hear the petitioner and also Sri.Abdul Salam, the petitioner in Annexure A1 judgment, and pass a correct order at the earliest and at any rate within one month of receiving the representation. The order so passed shall be communicated to the petitioner.

PIUS C. KURIAKOSE, JUDGE

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